ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

POLICY NUMBER: 1100

SUBJECT: EVIDENCE AND FOUND PROPERTY

Effective Date: December 1, 1992
Last Revision Date: May 4, 2007

Introduction:

The Asheville Police Department has custody and control of property received as found, recovered, or evidence. This policy establishes a strict standard of securing, handling, and disposing of property.

The Chief of Police will appoint an Evidence/Property Manager and an Evidence/Property Technician who will have custody of the designated property reception and storage areas. The Evidence/Property Manager is accountable for all items of found, recovered or evidentiary property submitted to the Property Control system or stored in the designated storage areas.

Procedures

Storage Areas

The permanent property storage area in the department is the main Property Room. The hours of operation of the Main Property Room will be posted in a conspicuous place.

The designated areas for the temporary storage of property and evidence are the following:

Property Room Annex 1, for sensitive items (money, guns, drugs) and items that will not fit into a locker;

Property Room Annex 2, for non-sensitive items and items that will not fit into a locker;

Property Room Annex 3, for evidentiary vehicles;

Drying Annex, Annex 4, for drying evidentiary property referenced by body fluids; and,

Forensic Services Office and Laboratory.

Access Control

The only persons authorized unaccompanied access to permanent storage areas are the Property and Evidence Manager and the Property and Evidence Technician.

The only persons authorized accompanied access to permanent storage areas by signing in and out with the Property and Evidence Manager are the Chief of Police and the Support Services Division Commander. These persons must log in and out each and every time they enter any of the permanent storage areas. The Evidence/Property Manager or Technician must remain with them at all times while they are in the storage area. No other persons may enter any of the permanent storage areas without the express written permission of the Chief of Police or the Support Division Commander.

Only the Chief of Police, Major Case Sergeant and the employees assigned to the Forensic Services Unit may have unrestricted access to the Forensic Services Office and Laboratory.

Criminal Investigations Division Supervisors will have access to Annex 3 for vehicle storage in the event that the Forensic Technician is unavailable to provide the access to Annex 3.

Property Submission

All property taken into custody by any employee of the Asheville Police Department shall be turned into an authorized property storage facility as soon as possible. The collecting employee must submit all property prior to the end of the tour of duty during which it was collected.

The employee collecting and submitting the property is responsible for determining whether the property should be in police custody; determining classification of the property; and completing all required paperwork.

The employee taking custody of the property shall complete a computer generated voucher for the property being submitted. This includes all property, even if it is only collected and held temporarily by the Forensic Services Section for evidence processing. The employee shall submit the completed report (all three copies) with the property. Any property submitted for Forensic Services processing will be submitted with a completed Crime Scene Search Report. The employee will submit the Crime Scene Search Report directly to Forensic Services. All currency seized as a part of an investigation will be photographed and a copy of the photograph (s) forwarded to the District Attorney's (DA) office as part of the DA papering summary

The submitting employee shall place the property in one of the designated storage areas. During normal duty hours, employees should submit the property directly to the Main Property Room.

If the Main Property Room is closed the employee will need to secure the property in Annex 1 or 2. Employees will secure property appropriate for Annex 3 and the Drying Annex directly to the Annex for processing. The cardkey system will record the date, time and individual entering the annex. No money, guns or drugs will be secured in Annexes 2, 3 or the Drying Annex. If the Property Control Section is closed and the submitting employee feels that the sensitive items being submitted will not fit in a locker in Annex 1or a locker in the Drying Annex if the sensitive item (s) has body fluids on them that need to dry, the Evidence/Property manager or the Evidence/Property Technician should be called out so the property can be secured in the Main Property Room.

When submitting property to Annex 1 the submitting employee will enter Annex 1 and package the property that is to be submitted. The property, along with a copy of the Property and Evidence voucher, will then be placed in a locker and the lock, which is permanently affixed to the locker, will be used to secure the locker. When submitting property to Annex 2 the submitting employee will use their key card to access the annex, place their property, along with a copy of the Property and Evidence voucher, on the Annex 2 floor. When submitting Annex 3 the submitting employee will access the garage door with their key card, place the vehicle, property report and wrecker receipt in the annex. When submitting property to the drying annex the employee will access the annex with their key card, place the property, along with a copy of the of the Property and Evidence voucher, in a vented locker for drying and secure the locker with a lock which is permanently affixed to the locker.

A secure refrigeration unit is located in Property Room Annex 1 for items requiring refrigeration. The refrigeration unit is built so that items placed into it cannot be retrieved without a key. The Property/Evidence Manager will have the only keys to the refrigeration unit. The submitting employee will tape the Property and Evidence voucher to the item and place it in the refrigeration unit.

Employees shall not submit any item that is highly flammable, extremely toxic or explosive, or items that contain highly flammable, extremely toxic or explosive substances. The only exceptions to this are the gasoline in the tanks of vehicles stored for evidence processing in Annex 3, small arms ammunition, Class C pyrotechnics and evidence from fire scenes in an approved storage container.

When property contains a flammable liquid (gasoline, kerosene, etc.), the employee will transfer the liquid into a federally approved safety storage container located in Annex 2. The container and property, along with the Property and Evidence voucher will be maintained in Annex 2. The Evidence/Property manager will properly dispose of the liquid.

Any employee collecting or seizing explosive materials, other than Class C pyrotechnics or small arms ammunition, shall notify the highest ranking field supervisor on duty. The supervisor will have Communications contact the department's Hazardous Devices Unit or Austin Powder Company for disposal of the explosives. The explosives will be held at the scene until the Hazardous Devices Unit or Austin Powder Company take possession of the explosives. Under no circumstances will these explosives be transported in a police department vehicle. The date, time, name and signature of the person taking custody of the explosives will be noted on a property report. The completed property report will be submitted to the Property Control Section where the information from the Property Report will be entered into RMS.

Employees will weigh narcotics or dangerous drugs in tablet or capsule form to the nearest 10th of a gram and count the number of tablets, capsules, or dosage units. The only exception to this is drugs still in the manufacturer's intact sealed tamper proof protection packaging. Scales are permanently placed on the evidence-packaging table in Annex 1. The Evidence/Property Manager or the Evidence/Property Technician will check and calibrate these scales at least once a month. The Evidence/Property unit will keep the results of this calibration for a minimum of two years.

Employees will package all narcotics or dangerous drugs so that no part of the drugs will be lost with regular handling. They shall seal the packages and mark them in such a manner that any tampering will be evident. Employees will complete and submit a property report form with the narcotics or dangerous drugs.

An SBI Request for Examination (SBI form 5) or internal Nartest Analysis Request for Examination must accompany any narcotics or dangerous drugs submitted to the State Bureau of Investigation (SBI) laboratory for analysis, or the APD Nartest Lab for analysis. The employee collecting and submitting the evidence will complete the form.

Employees will appropriately package all evidence. Collecting employees are responsible for correctly executing and attaching evidence labels to each item. The label will contain the submitting employee's name and personnel number, case number, date and time of submission, a chain of evidence listing, and the submitting employee's signature. The Property/Evidence Manager will add the property control number to the label.

Before collecting any found item of property, the employee will determine that the item does have some value. The guideline for determining value is the value it would have for the average person. Items that are worthless or that appear to have been discarded should not be collected. Department employees shall not collect items of lost property that have been left behind by patrons of commercial establishments. These items are the responsibility of the establishments where they were left. The only exception to this will be items which present a hazard to the public (firearms, explosives, hazardous materials and the like items) and contraband items. Contraband property which is found shall be submitted to Property/Evidence. This type of property should be destroyed as soon as possible unless needed for evidence.

If the owner of the found property is known or can be located before the end of the collecting employee's tour of duty, the property should be returned to the owner by the collecting employee. The employee will complete a Property Report Form, note in the narrative that the property is being returned to the owner, and have the

owner sign that he has received the property. The completed form shall be submitted to the Property Control Section to be entered into RMS.

The Property/Evidence section will keep records on each piece of found or evidentiary property for which they are responsible. These records will include location of the property, description of the property, submitting employee's name and personnel number, case number, time and date received, time and date released, amount of the property, chain of custody, and final disposition.

Processing of Property

At the beginning of each working day, the Property/Evidence Manager or Technician will remove all property from the temporary storage areas to a permanent storage area. As each item is removed a record will be initiated for that item and a sequential property control number assigned. The only exceptions to this will be the following:

Vehicles or items that are too large or present a hazard may be kept in Annex 2 or 3 until arrangements can be made for permanent storage.

Evidence that needs to dry (bloody clothing, etc.) can be kept in the Drying Annex until it can be properly packaged and stored.

Items being processed as evidence may be temporarily kept in the Forensic Services Unit. "Temporarily" means only for the length of time necessary to process the evidence. Evidence other than latent fingerprint lift cards and photographs will be held in the Forensic Services Unit only as long as necessary to develop and preserve the evidence. As soon as the evidence is processed it must be submitted to the Property Control System for proper storage. This section is intended for the Forensic personnel only. All others should submit their property to the Evidence/Property Section initially. The Forensics personnel will then check it out of the Evidence/Property Section for processing and then check it back in to the Evidence/Property section for storage.

Physical Security

The Property Room will be secured and a log will be maintained. The log will contain information on any persons, other than the Property/ Evidence Manager or the Evidence/Property Technician, who enter the storage areas. The log will contain the name of person, date and time of entry, reason for entry, the person's signature, and the Property/Evidence Manager's signature. The Property Control Section will maintain this log for a period of two years.

The Property Room, the Forensic Services Office and the Forensic Services Laboratory will be equipped with an alarm monitored at the Central Records and Communications Units. The alarm will be active whenever authorized personnel do not occupy these areas. The Evidence/Property Manager and the Forensics Section Supervisor will test the alarms at least once every month and document the results. At least once every quarter the alarm code will be changed.

All jewelry, precious metals, gemstones, money and negotiable securities shall be stored in a vault (located in the property room) specifically designated for these items and kept separate from other classifications of property. Property Control will deliver items to the Clerk of Superior Court, as required by law, on the first day after receipt that the Clerk's office is open for business.

All firearms will be stored in a separate area of the Property Room. Within this separate storage areas firearms must be separated into those owned by the Asheville Police Department and those that are non-departmental property.

All narcotics and dangerous drugs will be maintained in a vault (located in the Property Room) specifically designated for these items and kept separate from other classifications of property.

Refrigerated and frozen storage is provided in the Property Room for perishable items. Blood Alcohol kits do not have to be refrigerated.

Officers may check evidence out of the Property Storage areas when needed for court cases. In all such cases, the Evidence/Property Manager will check out the property using the property module in the computer to record the transaction. The log entry will contain the employee's name, case number, date and time, description of evidence. The employee taking custody of the evidence shall keep it in his possession at all times until either the court takes custody of the evidence or it is checked back into a property storage area.

All narcotics and dangerous drugs, weapons and explosives real or synthetic used by K-9 Unit personnel for training purposes must be maintained in a secure area. This area is a locker located in Annex 2. Narcotics will be signed in and out in accordance with K-9 Policy 2230. When the training narcotics are no longer of use to the K-9 Unit, the K-9 officer will complete a Property and Evidence Voucher and turn in the narcotics to the Evidence/Property Control Section for destruction.

Property Disposal

Evidence may be released or disposed of with the approval of the District Attorney's Office, with a court order, or when the court has entered a disposition for the evidence. Upon approval by the District Attorney evidence in pending cases will be photographed and returned to the true owner or possessor.

No ammunition seized by the Department will be returned. Once the ammunition is no longer needed for a court case it will be placed with other discarded ammunition to be destroyed by the department's Explosive Ordinance Specialist.

Found property may be released to the true owner or true possessor of the property. The true owner or possessor must furnish identification and proof that they are the true owner or possessor. Whenever an item is subject to conflicting claims of ownership and no one can show true ownership, the property may not be released in the absence of a court order. The Property/Evidence Manager will maintain a copy of the court order.

Property may be disposed of after the satisfaction of all legal requirements. The property may be disposed of by auction, destruction, or other means as dictated by the North Carolina General Statutes and the Policies and Procedures of the Asheville Police Department. The Evidence/Property Manager shall satisfy all legal requirements in regard to advertising, notices, etc.

Persons (other than Asheville Police Department employees) finding property, where the true owner or possessor cannot be located, may lodge a claim for the property. The person wishing to claim the property must contact the Property Control Section stating their wish to claim the property. Property Control shall make a reasonable effort to find the true owner or possessor of the property before releasing the property to the claimant. They shall document all efforts to contact the true owner and keep the documentation for a minimum of two years. The property must be held for at least 60 days to allow the Evidence/Property Manager time to locate the true owner or possessor. If the true owner or possessor cannot be located, the property may be given to the claimant. The claimant must sign the property report form stating that the property was received. The only exceptions to this procedure are firearms. These may only be released to the true owner or possessor.

The department may sell found property that is not claimed. The property must have been unclaimed by the true owner or true possessor for at least 180 days (60 days for bicycles) from the date of receipt of the

property by the Property Control Section. The Property Control Representative must publish a notice of unclaimed property in a local newspaper after the expiration of the 180 day period. The notice must state a brief description of the property; the fact that the listed items are in the custody of the Asheville Police Department; that any person who may have or claim any interest in the property must report that claim to the department within 30 days of the date of the publication of the notice; and that any unclaimed property will be sold or otherwise disposed of.

After the expiration of the 30 days, the property may be sold (the department may donate bicycles to charitable organizations). The Evidence/Property Manager must advertise the sale of the unclaimed property through a "Notice of Sale". The "Notice of Sale" must be published at least 10 days prior to the sale, must specify the time and place of the sale, and must contain a sufficient description of the property to be sold. Additionally, the "Notice of Sale" must be published at least one time in a local newspaper; be posted at the main door of the Buncombe County Court House; be posted at three other public places within Buncombe County. After all of these requirements have been met, the property will be sold at public auction to the highest bidder.

All proceeds from the sale will be first used to pay the costs and expenses of the sale and all other necessary expenses as set forth in NCGS 15-15. Any remaining proceeds will be turned over to the treasurer of the Buncombe County Board of Education to be transferred to the City School Fund.

Inspections

The Support Division Commander and the Chief of Police will conduct inspections of the Property Control system. They shall inspect for cleanliness, compliance to policy and procedures, protection of the property from damage, maintenance of accountability for stored property, prompt disposition of property with no further value, and security measures. They shall also conduct a random sample audit of items received by the Property Control System since the last inspection. A report documenting the inspections will be furnished to the Evidence/Property Manager and the Accreditation Manager to be maintained in a file. Any problems noted will be reported to the Chief of Police. The Support Division Commander will conduct this inspection quarterly. The Chief, or his designee, will conduct an unannounced inspection/audit annually. The Chief's designee must be the rank of Lieutenant or above.

The audit listed in this section will be conducted whenever a new Evidence/Property Manager is appointed. In the case of the appointment of a new Evidence/Property Manager, both the incoming and outgoing Evidence/Property Managers will be present for the inspection. A report documenting the inventory will be furnished to the incoming Evidence/Property Manager and the Accreditation Manager to maintain in a file.

Accreditation References:

This policy covers the following accreditation standards: 84.1.1, 84.1.2, 84.1.3, 84.1.4, 84.1.5, 84.1.6.

Comment: GENDER DISCLAIMER: Gender Reference in Asheville Police Department policies, such as "he", "his", etc., may refer equally to either the male or female gender.